

JUN 07 2019

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
W. DIST. OF N.C.

for the

Western District of North Carolina

Asheville Division

DEMON M. MOBLEY

Case No.

1:19 CV 183

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

HENDERSON CO. SHERIFFS (DET.)
HENDERSON CO. DETENTION FACILITY
OFFICER TANKERSLY
OFFICER TIPPON

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

DAMON M. MOBLEY
 "MOBLEY"
 0305241
 HENDERSON CO. DETENTION FACILITY
 375 1st AVE EAST
 HENDERSONVILLE NC 28739
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

HENDERSON CO. SHERIFF'S DEPT
 POLICE / SHERIFF / DEPUTY
 HENDERSON COUNTY LAW ENFORCEMENT
 HENDERSONVILLE NC 28739
 City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

HENDERSON CO. DETENTION FACILITY
 MEDICAL / NURSES STATION
 HENDERSON CO. DETENTION FACILITY
 HENDERSONVILLE NC 28739
 City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Court Bailiff / Officer Tenkensly
Officer / Sheriff / Court Room Bailiff

Henderson CO Sheriffs Dept.
200 N. Grove Street
Hendersonville NC 20739
City State Zip Code

☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Officer Tipton
Sheriff / Deputy / Officer

Henderson CO Sheriffs Dept.
200 N. Grove Street
Hendersonville NC 20739
City State Zip Code

☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

EXCESSIVE FORCE / POLICE BRUTALITY / ASSAULT
UNLAWFUL BEHAVIOR / DETENTION OF / INFLECTING SERIOUS
FALSE IMPRISONMENT / CHARACTER INJURY

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

...OFFICER TENKINS ABUSED HIS AUTHORITY AS A SHERIFF,
AND VIOLENTLY ATTACKED, HIT, STRUCK ME BEFORE BODY
SLAMMING ME ON MY NECK WHILE IN HANDCUFFS.
(SEE ATTACHED)

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

IN THE POLICE CRUISER ON THE WAY TO THE JAIL
AND IN THE HALLWAY LEAVING OUT OF THE
COURT ROOM DOOR ON DATE

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

LEAVING THE COURT ROOM, AND OUTSIDE THE
HALL LEADING TO THE COURT HOLDING CELLS
ON DATE

C. What date and approximate time did the events giving rise to your claim(s) occur?

7/31/18 Around 3:30 pm

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I WAS INJURED BY OFFICER TANKERSLY,
X-RAYS SHOW HE BROKE 2 OF MY FINGERS
MEDICAL STAFF NEVER SENT ME TO HOSPITAL,
OR GAVE ME PROPER TREATMENT FOR MY INJURIES

V. Injuries

↑ - I MISUNDERSTOOD THIS QUESTION,
BUT PLEASE SEE "SEE ATTACHED"
PT. 2 (PAGE 3)

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

1 "broken" FINGER, 1 "Fractured" FINGER,
DAMAGE TO MY ALREADY FRAGILE SPINAL CORD,
I RECEIVED POPSICLE STICKS WRAPPED IN TAPE
AROUND MY FINGERS BECAUSE THE SPLINT THE DR
ORDERED ME WAS NEVER GIVEN TO ME,
AND ASKED FOR X-RAYS FOR MY BACK AND
WAS DENIED THAT ALSO

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

IM SIMPLY ASKING THE COURT TO MAKE SURE JUSTICE IS
DONE! AND SEND A MESSAGE TO THOSE INVOLVED AND
OTHER LAW ENFORCEMENT OFFICIALS WHO ABUSE THEIR
POWER, AND WILLFULLY NEGLECT THE PROCEDURES TO
RIGHT THEIR WRONGS. IT HAPPENS WAY TOO MUCH!!

IM REQUESTING AND SUING FOR \$17,000,000 (SEVEN
MILLION, SEVEN HUNDRED THOUSAND DOLLARS) FOR THE
ABUSE, NEGLIGENCE, PAIN & SUFFERING AND BECAUSE
I'LL PHYSICALLY NEVER BE AN "ACTIVE & PLAYFUL" GRAND-
CHILD

Damon M. McClellan
PLAINTIFF/PETITIONER

D HENDERSON CO. SHERIFFS DEPT
 2) HENDERSON CO. DETENTION FACILITY
 3) OFFICER TANKERSLY
DEFENDANT/RESPONDANT

(QUESTION D.)

...(CONT) THREW ME INTO THE WALL ^{SO HARD} CAUSING THE HANDCUFFS TO LEAVE DENTS IN THE WALL, GRABBED ME AROUND THE WRIST IN A WRESTLER TYPE MOVE AND SLAMMED ME ON MY NECK UPSIDE DOWN CAUSING DAMAGE TO MY SPINE. THEN ORDERED ME TO "PUT MY HANDS BEHIND MY BACK" WHICH WAS ~~IM~~ NOT POSSIBLE BECAUSE I WAS HANDCUFFED TO THE FRONT. I TOLD HIM THAT I COULDN'T BECAUSE I WAS HANDCUFFED TO THE FRONT... AND THATS WHEN HE GRABBED MY LEFT RING FINGER, AND PINKY FINGER AND BENT THEM BACK UNTIL THEY BOTH SNAPPED. I SCREAMED OUT IN PAIN AND THATS WHEN HE "CAME TO" FROM WHATEVER TRANCE HE WAS IN AT THE MOMENT. THEN HE HELPED ME TO MY FEET AND ASKED ME "WHAT HAPPENED"? ITS ALL ON CAMERA!

QUESTION D.

(CONT.) I told him what happened, he explained to me that he "MUST'VE BLACKED OUT" AND NOTICED THE IMMEDIATE SWELLING IN MY LEFT HAND, SHOWED IT TO HIM, HE APOLOGIZED TO ME OVER AND OVER AND CALLED THE NURSES STATION BACK AT THE JAIL AND ASKED THEM TO CHECK OUT MY NECK AND MY HAND.

THE NURSE SEEN HOW SWOLEN MY HAND HAD BECOME IN THAT SHORT PERIOD OF TIME AND ASKED MY PERMISSION TO DO X-RAYS. I ASKED FOR XREYS ON MY NECK AND SPINE, BUT WAS ONLY GIVEN ONE ON MY HAND, WHICH SHOWED THAT BOTH OF MY FINGERS WERE IN FACT BROKEN.. THE DOCTOR ORDERED A SPLINT TO STRAIGHTEN MY FINGERS BACK OUT AND HEAL THE BROKEN BONES. BUT, THE SPLINT WAS NEVER GIVEN TO ME, INSTEAD I WAS GIVEN POP-SICLE STICKS WRAPPED IN TAPE AS A MAKESHIFT SPLINT. NEEDLESS TO SAY, MONTHS LATER MY FINGERS ARE STILL NOT HEALED AND MY BACK IS CONSTANTLY IN PAIN MAKING IT HARD TO SLEEP, SIT, STAND, BEND OVER, LIFT HEAVY OBJECTS, ETC.

(SEE
ATTACHED)

VI. RELIEF

...(CONT.)

I USED TO BE A VERY ACTIVE AND ENERGETIC 40 SOMETHING YEAR OLD GRANDDAD. PREVIOUS AND RECENT PHYSICANS SHOWED THAT I WAS "A VERY HEALTHY SPECIMEN" FOR MY AGE.

NOW I'M CONSTANTLY IN PAIN AND SEARCHING FOR WAYS TO SELF-MEDICATE. MY GRANDDAUGHTER USED TO THINK I WAS LOADS OF FUN, NOW I'M JUST A BORING GROUCH COMPLAINING ABOUT MY BACK DAY AND NIGHT.

MY 2 YOUNGEST DAUGHTERS ARE 16, AND 14, INVOLVED IN CHEERLEADING AND DANCE... AND I JUST WISH I COULD PICK THEM UP, DANCE AND PLAY WITH THEM THE WAY I USED TO. THEY MISS THE OLD ME, I DIDN'T DESERVE THIS AT ALL, AND I PRAY THAT IT NEVER HAPPENS TO ANYONE ELSE! MY KIDS ARE SUFFERING MORE THAN I AM, AND THAT KIND OF PAIN NEVER HEALS!

YOURS TRULY,
Sincerely, Truthfully & Respectfully,
Ozma Nobley

QUALITY MOBILE X-RAY470 Hanes Mill Rd, Suite 107,
Winston-Salem, North Carolina 27105**Radiology Report**

Phones: 336.724.9600

Fax: 1.800.840.4241

Patient Name	Date of Birth	Facility
MOBLEY DAMON	9/29/1977	HENDERSON CO JAIL
Referring Physician	Faxed To	
DODD COLBY	8286974957	
View Requested		
73140 Finger 2v		
Indication	Date	
6 IMAGES.PAIN	7/31/2018	
Exam Date	Report Date	
7/31/2018	7/31/2018	

Accession: 523331**Examination:** LEFT HAND, LEFT FINGERS, RIGHT FINGERS**Clinical Indication:** Pain.

LEFT HAND

Comparison: None.**Technique:** Three views of the left hand were submitted for interpretation.**Findings:** There is a nondisplaced fracture of the distal end of the fifth metacarpal with volar angulation. No other fracture or dislocation is identified. No significant arthritic changes present.**Impression:** There is a nondisplaced fracture of the distal end of the fifth metacarpal with volar angulation.

LEFT FINGERS

Comparison: None.**Technique:** Three views of the left fingers were submitted for interpretation.**Findings:** There is a nondisplaced fracture of the distal end of the fifth metacarpal with volar angulation. No other
(Continued in next page)

Attention! The Protected Health Information contained in this FAX is highly confidential. It is intended for exclusive use by the Facility named above, and its designees. Unauthorized use is a violation of Federal Law (HIPAA), and will be reported as such. If you have received this fax in error, please destroy.

Around 11am on 6/4/19 I was told by Nurse "Libby" that she could ONLY give me the phone number to the FACILITY that has the XRAY IMAGES. BUT, for some reason that phone number WAS NEVER GIVEN TO ME ALSO.

QUALITY MOBILE X-RAY470 Hanes Mill Rd, Suite 107,
Winston-Salem, North Carolina 27105**Radiology Report**

Phones: 336.724.9600

Fax: 1.800.840.4241

Patient Name

Date of Birth

Facility

MOBLEY DAMON

9/29/1977

HENDERSON CO JAIL

fracture or dislocation is identified. No significant arthritic changes present.

Impression: There is a nondisplaced fracture of the distal end of the fifth metacarpal with volar angulation.

RIGHT FINGERS

Comparison: None.**Technique:** Three views of the right fingers were submitted for interpretation.**Findings:** No fracture is identified. There is no dislocation. No significant arthritic change is identified.**Impression:** There is no evidence of fracture.

Electronically Signed by:

Naiyer Imam, M.D.
ELECTRONICALLY SIGNED

Tech: TINA

Transcribed By: Sumedh

7/31/2018 15:34

Final : || 18286974957 : 7/31/2018 4:34:22 PM

- PLEASE NOTE that I specifically
 ASKED FOR AN XRAY ON MY BACK..
 BECAUSE MY BACK WAS HURTING THE MOST.
 BUT BECAUSE THE SWELLING WAS SO OBVIOUS IN MY
 HAND, THEY ONLY GAVE ME ONE, FOR MY HAND.

Attention! The Protected Health Information contained in this FAX is highly confidential. It is intended for exclusive use by the Facility named above, and its designees. Unauthorized use is a violation of Federal Law (HIPAA), and will be reported as such. If you have received this fax in error, please destroy.

10:30
 A.M ON 6/4/19 I ASKED FOR THE 6 ^{XRAY} IMAGES - I WAS TOLD
 BY OFFICER "Hemphill" THAT "BY LAW" THEY CANT
 GIVE THEM TO ME.

Medical Request

For 0305241: DAMON MOBLEY HD216 on 8/11/2018 10:59:59 PM
Dates and Times are presented in Eastern Time (US & Canada)

Issue ID: 11937089

Last Status: Closed by 0305241: DAMON MOBLEY on 8/14/2018 10:34:15 PM

Last Assigned to: None on 8/12/2018 7:46:35 AM

Accept The Terms

i need my stint re-wrapped... thanx

Submitted by 0305241: DAMON MOBLEY HD216 on 8/11/2018 10:59:59 PM

Noted. A nurse will see you.

Responded & Closed by Transform Health on 8/12/2018 7:46:35 AM

ALSO - Im upset at the fact
that they either deleted/ERASED or
somehow got rid of ALL the REQUESTS I
SENT ASKING FOR the X-RAYS on my back,
BECAUSE my back WAS IN the MOST PAIN.
AND IVE STATED THIS VERBALLY AND thru
the KIOSK over and over. BUT, somehow,
AND COINCIDENTALLY THOSE GRIEVANCES, &
REQUESTS cant be found. HMMMMMM...
I wonder why??

Printed 6/4/2019

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They're trying to cover their tracks
thats why... Im pretty sure that word will be
re-printed soon to cover up the dents.

Medical Request

For 0305241: DAMON MOBLEY HD216 on 8/17/2018 4:13:54 PM
Dates and Times are presented in Eastern Time (US & Canada)

Issue ID: 12007706

Last Status: Closed by 0305241: DAMON MOBLEY on 9/4/2018 11:04:36 PM

Last Assigned to: None on 8/21/2018 10:40:34 AM

Accept The Terms

when can i get a final and professional diagnosis on my hand??? bc the DOCTOR says it broken, the nurses say it fractured.. who do i believe???? all i know is that it still feels the same way it did the 1st day the officer attacked and assaulted me. the only difference is the swelling has went down a little bit... i still cant move it, use it, and it hurts like hell anytime i put my hand down to my side, touch it, or bump it into something on accident. the DOCTOR ordered me a REAL splint to straiten my finger out.. but the nurses refuse to give it to me, instead they insist on using a popsickle stick, that comes aloose, or dissatached in a matter of hours everytime. maybe if they use what the DOCTOR ordered, a real plastic splint, just maybe my hand will heal correctly. just a thought.

Submitted by 0305241: DAMON MOBLEY HD216 on 8/17/2018 4:13:54 PM

Your xray report states that you have a nondisplaced fracture of the left 5th metacarpal. I will forward your request for different treatment/splint to the provider for review.

Responded by Transform Health on 8/17/2018 7:16:03 PM

i really need my hand fixed and rewrapped asap... it still hurts like hell also. thanx for nothing

Replied by 0305241: DAMON MOBLEY HD216 on 8/21/2018 10:01:08 AM - *Never thought i would*

re-reading these and using them for this - Sorry about my language, but I WAS IN ALOT OF PAIN & WAS BEING neglected by the medical staff.

Officer Comments:

just a thought, the doctor just ordered them buddy taped- doesn't need splint, was done just for comfort- a fracture and a broken bone are the same thing and he doesnt really need it taped much longer- nothing to fix- just a crack that will heal... he was told all this last week.

Transform Health on 8/20/2018 7:42:37 AM

- NOTICE 4 days LATER, IT WAS STILL NOT re-wrapped.

Mental Health

For 0305241: DAMON MOBLEY HD216 on 8/15/2018 8:28:30 AM
Dates and Times are presented in Eastern Time (US & Canada)

Issue ID: 11973535

Last Status: Closed by 0305241: DAMON MOBLEY on 8/17/2018 4:01:26 PM

Last Assigned to: None on 8/15/2018 10:32:14 AM

Accept The Terms

MENTAL HEALTH.... MENTAL HEALTH.... MENTAL HEALTH... MENTAL HEALTH

I need to speak with sumbody in mental health... or yall gonna treat me like the regular nurses, by promises to come see me, and help me, but somehow create a lame excuse and never do??? just wondering

Submitted by 0305241: DAMON MOBLEY HD216 on 8/15/2018 8:28:30 AM

Responded & Closed by Transform Health on 8/15/2018 10:32:14 AM

Officer Comments:

- NOTE - NO RESPONSE!

IM seen by MG 8/15

Transform Health on 8/15/2018 10:32:25 AM

** correction - MH

Transform Health on 8/15/2018 10:43:38 AM

Printed 6/4/2019

Page 1 of 1

- I ONLY wrote to "MENTAL" HEALTH
BECAUSE they share a desk IN the SAME
OFFICE. It WAS A desperate attempt to
FINALLY get through to the medical staff
SINCE MY letters to them were going nowhere.
I WAS simply trying to get their attention by
any means necessary.

Medical Request

For 0305241: DAMON MOBLEY HD216 on 8/15/2018 8:23:55 AM
Dates and Times are presented in Eastern Time (US & Canada)

Issue ID: 11973500

Last Status: Closed by 0305241: DAMON MOBLEY on 8/17/2018 4:02:01 PM

Last Assigned to: None on 8/15/2018 9:42:15 AM

Accept The Terms

after being lied to for 2 days, by 2 different nurses.. i went ahead and nigger-rigged my finger myself. i used a plastic spoon and made my own splint because i couldn't bare the pain anymore. thanks for breaking 2 of my fingers and doing absolutely NOTHING to try and fix them!!! and now i can't get anymore meds for the pain either??? no surprise... maybe if i was a white boy i would receive proper medical attention. hell, if i was a white boy i would've never been assaulted by officers in the first place. #KNOWNFACTS.... y'all have a great day.

Submitted by 0305241: DAMON MOBLEY HD216 on 8/15/2018 8:23:55 AM

Medical has asked to have you brought down, however we have to work with the officers schedule-they will assure you are brought to medical when they are able
You have received the medication for pain as ordered by the provider when he saw you. HE ordered it for a certain number of days, as he does for everyone.

Also- you do not have two broken fingers- we took xrays remember, there is only one small fracture.

There is no need to start name calling or accusations as it is untrue and unnecessary

You are on the list to be seen when it can be facilitated.

Responded & Closed by Transform Health on 8/15/2018 9:42:15 AM

(And 6 days later on 8/21 I was still UNSEEN.)
I NEVER thought I would be using these requests for this matter
PLEASE excuse my language ONCE AGAIN..
but I was f---ed-up and still in a lot of pain..
and my hand was still swollen and throbbing with pain. I was desperate to fix my hand so
I used a plastic spoon and old blue tape that was in cell block from the painters trying to cover up the black mold in the cells. I'm a white boy, a socialist..
my ex is white - I have 5 mixed kids of my own.

Medical Request

For 0305241: DAMON MOBLEY HD216 on 8/14/2018 10:36:48 PM
Dates and Times are presented in Eastern Time (US & Canada)

Issue ID: 11971857

Last Status: Closed by 0305241: DAMON MOBLEY on 8/21/2018 9:59:48 AM

Last Assigned to: None on 8/15/2018 9:43:59 AM

Accept The Terms

they keep telling me that they are gonna wrap it.. but for some reason, they never do. it hurts like hell without the stint in it. i really need it rewrapped

Submitted by 0305241: DAMON MOBLEY HD216 on 8/14/2018 10:36:48 PM

waiting on the officers to bring you to medical

Responded & Closed by Transform Health on 8/15/2018 9:43:59 AM

- And 6 days (8/21)
LATER I WAS STILL UNSEEN, AND TOOK MATTERS
INTO MY OWN HANDS IN AN ATTEMPT TO
MAKE MY OWN SPLINT. BECAUSE THE DOCTOR
ORDERED ME ONE. BUT WHEN IT ARRIVED, I WAS
TOLD BY THE NURSE "TINA" THAT I COULDN'T HAVE
IT BECAUSE IT WAS MADE OUT OF METAL.

Medical Request

For 0305241: DAMON MOBLEY HD216 on 9/6/2018 3:58:29 PM
Dates and Times are presented in Eastern Time (US & Canada)

Issue ID: 12248785

Last Status: Closed by 0305241: DAMON MOBLEY on 9/7/2018 9:45:30 AM

Last Assigned to: None on 9/6/2018 8:41:09 PM

Accept The Terms

i need to see doc asap

Submitted by 0305241: DAMON MOBLEY HD216 on 9/6/2018 3:58:29 PM

Regarding what?
Medical

- I WAS HOPEING TO TALK HIM INTO GIVING ME
THAT SPLINT HE ORDERED.

Responded & Closed by Transform Health on 9/6/2018 8:41:09 PM

- IT DOESNT MATTER IF IT WAS "BROKEN", OR
"FRACTURED", SMALL, OR BIG.. THE FACT IS,
THAT IT HAPPENED TO ME WHILE IN HANDCUFFS,
IN CUSTODY FOR NO REAL REASON AT ALL..
AND MY HAND IS STILL NOT FULLY HEALED,
THERE IS STILL EVIDENCE OF THIS INCIDENT ON
THE WALL LEADING OUT OF THE COURTROOM, THE
HANDCUFF INDENTATION IS STILL PRESENT & STANDS
OUT ON THE WALL.. BUT THE MENTAL PAIN
AND PTSD THAT IVE
ENCOUNTERED IS EVEN MORE PRESENT IN
MY LIFE & MY MIND, AND MY CONSCIOUS!

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

HENDERSON COUNTY DETENTION CENTER

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

PROOF OF THE ASSAULT, INJURIES, X-RAYS
AND SICK CALL FORMS REQUESTING
OVER & OVER FOR TREATMENT & SOMETHING
FOR THE PAIN.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

ON the KIOSK LOCATED IN the JAIL
I WROTE the NURSES & DOCTORS SEVERAL TIMES

2. What did you claim in your grievance?

that I WAS NOT RECEIVING proper medical
ATTENTION or the MEANS TO FIX my
INJURIES AS the doctor ORDERED

3. What was the result, if any?

NONE MEDICALLY, ... WAS DENIED HOSPITAL
VISIT, AND the doctor PROSCRIBED SPLINT, AND
ENDING UP MAKING my OWN SPLINT USING ITEMS
I PURCHASED FROM the JAIL COMMISARY

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

they NEVER did A grievance process, they
JUST told me that I would see A NURSE
when they got time to see me...
that was the normal response to everything
and everytime I wrote them on the KIOSK

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

BECAUSE MOST GRIEVANCES GO UNREAD,
ITS BETTER TO JUST FILL OUT A SICK CALL,
IT GETS READ & RESPONDED TO SOONER THAN
A GRIEVANCE.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

OFFICERS, NURSES, C.O.'S ETC. AND ITS (NON VERBALLY)
ALWAYS THE SAME RESPONSE. "WE'VE INFORMED
MEDICAL STAFF, THEY'LL GET TO YOU WHEN THEY
GET A CHANCE" - OR SOMETHING LIKE THAT

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I CAN'T REMEMBER IF IT WAS ACTUAL
"GRIEVANCES" OR "SICK CALLS" EVERY TIME. I REQUESTED
COPIES OF THEM ALL, AND I'M WAITING FOR THEM

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

TO BE GIVEN TO ME BEFORE I SEND
THIS OFF. PLEASE EXCUSE ME IF I'M WRONG.

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

NEVER! - THIS MY 1ST TIME
FILING FOR ANYTHING LIKE THIS
EVER. I SHOULD HAVE DONE IT
LONG AGO WHEN I WAS ABUSED BY POLICE

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

5/31/19

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Damon Mobley
DAMON M. MOBLEY
0305241
375 1st AVENUE EAST
HENDERSONVILLE NC 28739
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City

State

Zip Code

Telephone Number _____

E-mail Address _____

Epilogue-

I hope this is satisfactory.. I TRIED MY BEST TO GET ALL the NAMES, DATES, and Times Accurate. Anything that was NOT ENCLOSED is because the OFFICERS AND JAIL STAFF WOULD NOT, & REFUSED TO provide it.

But, I have recorded on my phone the EXCESSIVE FORCE AND CRUEL & UNUSUAL PUNISHMENT I RECEIVED by OFFICER "TIPTON" ON 7/30/18 ON MY way to the JAIL.

And the courthouse cameras should have the FOOTAGE OF the ASSAULT done by officer "TANTRELY" ON 7/31/18.

But, Somehow they've managed to get rid of the medical requests and attempts to get XRAUS on my back. So, they might PAINT OVER the dents in the wall CAUSED by me SHOVED INTO IT.. We need to Act quickly to get this evidence because my options ARE LIMITED.

But, the XRAY Report clearly shows that I suffered from the incident & still is today!